

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

MICHAEL WILLIAMS,

Plaintiff,

v.

Case Number 06-12385-BC  
Honorable Thomas L. Ludington

LIVINGSTON, Shift Supervisor,

Defendant.

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**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT  
AND RECOMMENDATION AND GRANTING DEFENDANT'S MOTION  
FOR SUMMARY JUDGMENT**

This matter is before the Court on a report and recommendation issued by Magistrate Judge Charles E. Binder on April 30, 2007. The magistrate judge recommended that Defendant Robert Livingston's motion for summary judgment under Federal Rule of Civil Procedure 56 be granted, based on Defendant's qualified immunity under *Harlow v. Fitzgerald*, 457 U.S. 800 (1982) to Plaintiff Michael Williams' prisoner civil rights claim under 42 U.S.C. § 1983 of a violation of his rights under the Eighth Amendment.

Plaintiff has filed no objections to the magistrate judge's report and recommendation.<sup>1</sup> Plaintiff's failure to file objections to the report and recommendation waives any further right to appeal. *Smith v. Detroit Federation of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the record. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the conclusions of the magistrate judge.

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<sup>1</sup>Indeed, on November 15, 2006, the magistrate judge directed Plaintiff to respond to Defendant's motion for summary judgment, but the docket reflects that no response was filed.

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation [dkt #16] is **ADOPTED**.

It is further **ORDERED** that Defendant's motion for summary judgment [dkt #14] is **GRANTED**.

s/Thomas L. Ludington  
THOMAS L. LUDINGTON  
United States District Judge

Dated: May 21, 2007

**PROOF OF SERVICE**

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on May 21, 2007.

s/Tracy A. Jacobs  
TRACY A. JACOBS